

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THE VERIZON EMPLOYEE)	
BENEFITS COMMITTEE,)	
)	2:07cv476
Plaintiff,)	Electronic filing
)	
v.)	
)	Judge David S. Cercone
MICHAEL ADAMS)	Magistrate Judge Lisa Pupo Lenihan
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Report and Recommendation concluded that because, taking the evidence in the light most favorable to the Plaintiff, the Plan's Benefits Committee has sufficiently stated a claim (as to which material fact questions presently exist) for fiduciary entitlement to equitable relief under either § 502(a)(3) of ERISA, 29 U.S.C. §1132(a)(3), or a federal common law analysis, Defendant's Motion to Dismiss should be denied. Service was made on all counsel of record and no objections were made. Accordingly,

NOW, this 19 day of November, 2007, IT IS HEREBY ORDERED that

Defendant's Motion to Dismiss (Document No. 31) is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan is adopted as the Opinion of the Court.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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